IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.9000 of 2005

Mrs.Meena L. Chanchalani — Petitioner
Vs.
Tiao Wai Liang — Respondent

Mr.C.G.Gavnekar for petitioner.
Ms.Seema Sarnaik for resp.

CORAM: B.H.MARLAPALLE, J.

April 19, 2007.

P.C.

. Heard Mr.Gavnekar, the learned counsel for the petitioner and Ms.Sarnaik, the learned counsel for the respondent.

. In RAE & R Suit No.743/1335 of 1999 the petitioner is the plaintiff-landlady and the said suit came to be dismissed on 31/1/2004. The plaintiff, therefore, filed Appeal No.396 of 2004 which has been admitted before the lower Appellate Court and while the appeal was pending, Interim Notice No.1207 of 2005 was taken out by the Constituted Attorney of the respondent - tenant seeking leave from the Court to deposit the rental amount till the final disposal of the appeal. The lower Appellate Court has allowed this application by its order dated 28/9/2005 and hence this petition.

. The only point raised by the landlady before the lower Appellate Court was regarding the authority of the C.A. to deposit the said amount. In short it was contended that the tenant himself must appear before the Court and deposit the rental consideration. No such requirement in law either under the Bombay Rent Act or Maharashtra Rent Control Act is set out. Tenant deputing either his employee or friend or constituted attorney to deposit on his / her behalf is not prohibited by law and, therefore, the impugned order to that extent cannot be termed as perverse or illegal so as to call for interference under Article 227 of the Constitution.

. The petition is summarily rejected.

(B.H.MARL